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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/592,758	06/13/2000	TIMOTHY L. POWERS	CE03958R	5788

22917 7590 06/19/2002

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EXAMINER

IQBAL, KHAWAR

ART UNIT PAPER NUMBER

2685

DATE MAILED: 06/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/592,758

Applicant(s)

POWERS ET AL.

Examiner

Khawar Iqbal

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ronnen (6239699).

Regarding claim 1 Ronnen teaches a system for reducing congestion in an Operations and Maintenance Center (OMC), the system comprising a network element that comprises (figs.1-6, abstract):

a filter receiving event notifications from processes within the network element and providing filtered event notifications (col. 6, lines 10-19);

an event counter module coupled to the filter for receiving the filtered event notifications from the filter (col.6, lines 20-36); and

a performance measurement module coupled to the event counter module for

Art Unit: 2685

receiving event counter information from the event counter module and sending alarms to the manager (SBNC) (col. 3, lines 20-65, col. 7, lines 45-50).

Regarding claim 2 Ronnen teaches the filter is operable to select the filtered event notifications to be sent to the event counter module (col. 6, lines 20-35).

Regarding claim 3 Ronnen teaches selection criteria upon which the filter selects the filtered event notifications are established by the Operations and Maintenance Center (col. 6, lines 10-60).

Regarding claim 4 Ronnen teaches wherein the Operations and Maintenance Center (OMC) requests creation of event count objects upon which the event counter - module creates event count information from the filtered event notifications (col. 6, lines 10-60).

Regarding claims 5-6 Ronnen teaches the event counter module establishes threshold crossing criteria and alarm emission criteria for the performance measurement module and wherein the performance measurement module emits an alarm to the Operations and Maintenance Center if the event counter information exceeds a threshold (col. 6, line 53-col. 7, line 10).

Regarding claim 7 Ronnen teaches a method for reducing the number of event notifications sent to an Operations and Maintenance Center (OMC) by a network element serviced by the OMC, the method comprising the steps of (ABSTRACT, FIGS. 1-6):

filtering event notifications to provide filtered event notifications (col. 6, lines 10-200;

Art Unit: 2685

counting the filtered event notifications to generate event count information from the filtered event notifications (col.6, lines 20-50); and

emitting an alarm if the event count information exceeds a threshold (col. 6, line 53-col. 7, line 50).

Regarding claim 8 Ronnen teaches wherein filtering event notifications comprises the steps of: receiving the event notifications; and selecting the event notifications based on selection criteria to provide filtered event notifications (col. 6, lines 10-35).

Regarding claim 9 Ronnen teaches wherein counting the event notifications comprises the steps of: receiving filtered event notification; incrementing an event count based on performance measurement definitions for each of the filtered event notifications; and establishing event count information specific to each of the filtered event notifications based on event count criteria (col. 6, lines 10-35).

Regarding claim 10 Ronnen teaches wherein emitting an alarm when the event count exceeds a threshold comprises the steps of: comparing the event count information against a threshold; emitting an alarm to the Operations and Maintenance Center if the event count information exceeds the threshold; and resetting the event count information if an alarm is emitted to the Operations and Maintenance Center (col. 6, lines 54-67).

Regarding claims 11-13 Ronnen teaches wherein the Operations and Maintenance Center establishes criteria for selection of event notifications (col.6, lines 10-65, col. 7, lines 45-50).

Art Unit: 2685

Regarding claims 14-20 Ronnen teaches an apparatus for reducing the number of event notifications sent to an Operations and Maintenance Center (OMC) by a network element serviced by the OMC comprising:

means for filtering to provide filtered event notifications (col.6, line 10-20);

means for counting to generate event count information from the filtered event notifications; and means for emitting alarms to the OMC (col. 6, line 20-col. 7, lines 50).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1,34,6,7-12 and 14-19 have been amended.

### **4. Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure Kulatunge et al (# 6353902), Fulford (# 6237034), Tse et al (6253339) and Douik et al (6012152), teach reduces the processing load and alarm filtering in a network.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2685

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **KHAWAR IQBAL** whose telephone number is 703-306-3015.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **URBAN EDWARD F**, can be reached at 703-305-4385.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

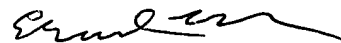

**(703) 872-9314 (for Technology Center 2684 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Art Unit: 2685

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Khawar Iqbal



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
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